

REMARKS

Claims 1-28 are currently pending. Applicants gratefully acknowledge the Examiner's indication that claims 3-7, 12, 13, 17-21 and 23-27 contain allowable subject matter. Claims 3, 12, 23 and 24 have been accordingly been rewritten in independent form (claims 4 to 7 and 17 to 21 ultimately depend from claim 3, and claims 13 and 25-27 depend from claim 12). In addition, claims 1, 10 and 15 have been amended to more clearly claim the present invention. Claim 28 has been amended to provide a consistent antecedent basis. The claim amendments do not present new matter.

Claims 1, 10 and 15 have been rejected under U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,559,695 ("Daily").

To reject a claim under 35 U.S.C. §102(b), the Office must demonstrate that each and every claim feature is identically disclosed in a single prior art reference. See Scripps Clinic & Research Foundation v. Genentech, Inc., 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991). The identical invention must be shown in as complete detail as is contained in the claim. M.P.E.P. §2131.

Independent claim 1, as amended, recites a method for calibrating at least one image sensor system which is located at a motor vehicle, by the use of at least one calibrating object, that includes, *inter alia*, determining, from generated image data of the at least one calibrating object, an alignment of the at least one image sensor system with respect to a geometric travel axis of the motor vehicle, where the geometric travel axis is a bisector of a total toe-in angle of a rear axis of the vehicle. Support for the amendment to claim 1 can be found, for example, at page 7, lines 29-31.

The Daily reference does not disclose (or even suggest) this feature of claim 1. In fact, in the method described by the Daily reference, no geometric travel axis is determined at all. Rather, Daily describes panning and tilting a TTC sensor that is biased by the global magnitude of the optical flow so as avoid calculation of a "focus of expansion" (FOE) axis. See Daily, col. 9, lines 1-13. Accordingly, Daily does not anticipate the subject matter of amended independent claim 1.

Since independent claims 10 and 15 have been amended in similar manner to claim 1, it is submitted that claims 10 and 15 are also not anticipated by the Daily reference.

Withdrawal of the anticipation rejection of claims 1, 10 and 15 is accordingly respectfully requested.

Claims 8, 14, 22 and 28 have been rejected under 35 U.S.C. § 103(a) as unpatentable over Daily in view of Burt, U.S. Patent No. 5,473,364.

In rejecting a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine the reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Claims 8 and 22 depend from independent claim 1, while claims 14 and 28 depend from independent claim 10. The Burt reference merely refers to “a direction of forward velocity,” and Burt clearly does not disclose or suggest a geometric travel axis that is a bisector of a total toe-in angle of a rear axis of the vehicle, as recited in parent claims 1 and 10. Burt therefore does not cure the deficiencies of the Daily reference with regard to this feature of claims 1 and 10. Accordingly, dependent claims 8, 14, 22 and 28 are patentable over the references relied upon.

Claims 1, 2, 8-11, 14-16, 22 and 28 have been rejected under 35 U.S.C. § 103(a) as unpatentable over Stiller, U.S. Patent No. 6,778,928, in view of Burt.

The Examiner concedes that Stiller fails to disclose an alignment of the at least one image sensor with respect to a geometric travel axis, but the Examiner contends that Burt

teaches this feature. As noted above, however, Burt clearly does not disclose or suggest a geometric travel axis that is a bisector of a total toe-in angle of a rear axis of the vehicle, as recited in claims 1, 10 and 15. Accordingly, claims 1, 10 and 15, as well as their dependent claims 2, 8, 9, 11, 14, 16, 22 and 28, are patentable over Stiller and Burt.

Accordingly, withdrawal of the obviousness rejection of claims 1, 2, 8-11, 14-16, 22 and 28 based on the Stiller and Butt references is respectfully requested.

CONCLUSION


In light of the foregoing, Applicants respectfully submit that all of the pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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